

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ALPINE SECURITIES CORPORATION,

Defendant.

Civil No. 1:17-CV-04179-DLC

Honorable Judge Denise L. Cote
Magistrate Judge Ronald L. Ellis

ECF CASE

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendant Alpine Securities Corporation (“Alpine”) hereby appeals to the United States Court of Appeals for the Second Circuit from each and every part of the Opinion & Order of Judge Denise L. Cote (Dkt. No. 101), entered on March 30, 2018, granting in part and denying in part Plaintiff United States Securities Exchange Commission’s (“SEC”) Motion for Partial Summary Judgment and denying Alpine’s Cross Motion for Summary Judgment and Motion for Judgment on the Pleadings; the Memorandum Opinion & Order of Judge Denise L. Cote (Dkt. 129), entered on June 18, 2018, denying the Motions for Reconsideration of the Motion for Summary Judgment and Cross Motion for Summary Judgment; the Opinion & Order of Judge Denise L. Cote (Dkt. 174), entered on December 11, 2018, granting in part the SEC’s Motion for Summary Judgment on Liability; the Opinion & Order of Judge Denise L. Cote (Dkt. 224), entered on August 29, 2019, denying Alpine’s Motion for Reconsideration in light of *Kisor v. Wilkie*, 139 S. Ct. 2400 (2019); the Opinion & Order of Judge Denise L. Cote (Dkt. No. 226), entered on September 26, 2019, granting the SEC’s motion for remedies for a permanent injunction to be entered a civil penalty of \$12,000,000; and the Permanent Injunction and Final Judgment of Judge Denise L. Cote (Dkt. No. 241), entered on

October 9, 2019, permanently restraining and enjoining Alpine from violating Section 17 of the Exchange Act [15 U.S.C. § 78q(a)], and Rule 17a-8 promulgated thereunder [17 C.F.R. § 240.17a-8] and imposing a civil penalty in the amount of \$12,000,000.

Dated: New York, New York
October 10, 2019

Respectfully submitted,

By: /s/ Maranda E. Fritz
Maranda E. Fritz
THOMPSON HINE LLP
335 Madison Avenue, 12th Floor
New York, New York 10017-4611
Tel. (212) 344-5680
Fax (212) 344-6101
Maranda.Fritz@thompsonhine.com

Brent R. Baker (BB 8285)
Aaron D. Lebenta (*Pro Hac Vice*)
Jonathan D. Bletzacker (*Pro Hac Vice*)
CLYDE SNOW & SESSIONS
One Utah Center
201 South Main Street, Suite 1300
Salt Lake City, Utah 84111-2216
Telephone 801.322.2516
Facsimile 801.521.6280
brb@clydesnow.com
adl@clydesnow.com
jdb@clydesnow.com

*Attorneys for Defendant
Alpine Securities Corporation*

To: CLERK OF THE COURT via ECF

and

U.S. SECURITIES & EXCHANGE COMMISSION via ECF

Zachary T. Carlyle

Terry R. Miller

1961 Stout Street, 17th Floor

Denver, CO 80294

303-844-1000

carlylez@sec.gov

millerte@sec.gov

Attorneys for Plaintiff U.S. Securities & Exchange Commission

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2019 a copy of the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Parties may access this filing through the Court's system.

/s/ Maranda E. Fritz

Maranda E. Fritz